

MEMORANDUM

Agenda Item No. 4(K)


TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: April 2, 2013

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance relating to Conflict of
Interest and Code of Ethics
Ordinance; amending Section 2-
11.1(s) of the Code

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Juan C. Zapata.



R. A. Cuevas, Jr.
County Attorney

RAC/cp



MEMORANDUM

(Revised)

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Please note any items checked.

- ☒ "3-Day Rule" for committees applicable if raised
- ☒ 6 weeks required between first reading and public hearing
- ☒ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 4(K)

4-2-13

ORDINANCE NO. _____

ORDINANCE RELATING TO CONFLICT OF INTEREST AND CODE OF ETHICS ORDINANCE; AMENDING SECTION 2-11.1(s) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA REQUIRING CERTAIN DISCLOSURES ON A QUARTERLY BASIS INCLUDING COMPENSATION AND EXPENDITURES; PROVIDING SUCH DISCLOSURE TO BE INCLUDED IN AN AGENDA ITEM OF ANY BOARD; EXPANDING DEFINITION OF LOBBYIST; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the Florida Legislature and the County Commission require extensive disclosure of lobbyists activities; and

WHEREAS, this Board believes that the disclosure of additional information by lobbyist is in the best interest of the citizens of Miami-Dade County,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 2-11.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 2-11.1. Conflict of Interest and Code of Ethics Ordinance.

* * *

(s) *Lobbying.*

- (1) (a) As used in this section, "County personnel" means those County officers and employees

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

specified in Section 2-11.1(i)(2) of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance.

- (b) As used in this section, "Lobbyist" means all persons, firms, or corporations employed or retained by a principal who seeks to encourage the passage, defeat, or modifications of (1) ordinance, resolution, action or decision of the County Commission; (2) any action, decision, recommendation of the County Manager or any County board or committee; or (3) any action, decision or recommendation of County personnel during the time period of the entire decision-making process on such action, decision or recommendation which foreseeably will be heard or reviewed by the County Commission, or a County board or committee. "Lobbyist" specifically includes the principal as well as any employee whose normal scope of employment includes lobbying activities. The term "Lobbyist" specifically excludes the following persons: ~~[[attorneys or other representatives retained or employed solely for the purpose of representing individuals, corporations or other entities during publicly noticed quasi-judicial proceedings where the law prohibits ex parte communications; expert witnesses who provide only scientific, technical or other specialized information or testimony in public meetings;]]~~ any person who only appears as a representative of a neighborhood association without compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item; any person who only appears as a representative of a not-for-profit community based organization for the purpose of requesting a grant without special compensation or reimbursement for the appearance; and employees of a principal

whose normal scope of employment does not include lobbying activities.

* * *

- (6) (a) ~~[[On July 1 of each year, the]]~~ >>Each<< lobbyist shall submit to the Clerk of the Board of County Commissioners a signed > statement under oath, as provided herein, listing all lobbying expenditures in excess of twenty-five dollars (\$25.00)>>. The statement shall be submitted no later than 45 days after the end of each reporting period. The four reporting periods are from January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31, respectively.<< ~~[[for the preceding calendar year.]]~~ A statement shall not be filed if there have been no expenditures >>and the lobbyist has not received and compensation<< during the reporting period. The statement shall list in detail >>: the total compensation provided or owed to the lobbyist for the representation of each principal, including the name of each principal; and<< each expenditure by category, including food and beverage, entertainment, research, communication, media advertising, publications, travel, lodging and special events >>including the name of each recipient of such expenditure. The information as set forth herein shall be attached, where applicable, to any agenda item before any board.<<

* * *

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Craig H. Coller

Prime Sponsor: Commissioner Juan C. Zapata